

## **ISLAM AND HUMAN RIGHTS**

## **COURSE MATERIALS**

Heiner Bielefeldt

Spring 1994

Volume II Pages 279 - 529

Faculty of Law University of Toronto

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto. They were assembled and edited with the assistance of Diane Wheldrake.

Storage X 404 C27 B53 1994

v.2

BORA LASKIN LAW LIBRARY

NOV 3 0 1993

FACULTY OF LAW UNIVERSITY OF TORONTO

# BORA LASKIN LAW LIBRARY UNIVERSITY OF TORONTO

#### ISLAM AND HUMAN RIGHTS

## **COURSE MATERIALS**

Heiner Bielefeldt

Spring 1994

Volume II Pages 279 - 529

Faculty of Law University of Toronto

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto. They were assembled and edited with the assistance of Diane Wheldrake.

Digitized by the Internet Archive in 2018 with funding from University of Toronto

## TABLE OF CONTENTS

## I. Introduction

# II. Universal Human Rights In A Multi-cultural World?

1.	Adamantia Pollis and Peter Schwab, Human Rights: A Western Concept with Limited Rights. Cultural and Ideological Perspectives (New York: Praeger Publishers, 1979), pp. 1-18	1
2.	Rhoda E. Howard, Cultural Absolutism and the Nostalgia for Community, in Human Rights Quarterly 15 (1993), pp. 315-338	14
3.	Heiner Bielefeldt, Universality of Human Rights in a Multi-Cultural World (unpublished paper)	32
	III. Introduction to Islamic Faith and History	
4.	Fazlur Rahman, Islam (London: Weidenfeld and Nicolson, 1966), pp. 30-42 (chapter on the Qur'an)	44
5.	John L. Esposito, Islam and Politics (Syracuse: Syracuse University Press, 3rd ed. 1991), pp. 3-31	54
	IV. Current Movements in Islam	
6.	Ira Lapsidius, A History of Islamic Societies (Cambridge: Cambridge University Press, 1988), pp. 557-570	74
7.	Abdullahi Ahmed An-Na'im, Human Rights in the Muslim World: Socio-Political Conditions and Scriptural Imperatives, in Harvard Human Rights Journal Vol. 3 (1990), pp. 25-33 (extract)	84
8.	Hassan Hanafi, The Origins of Origins of Modern Conservatism and Islamic Fundamentalism, in Ernest Gellner, ed., Islamic Dilemmas: Reformers, Nationalists and Industrialization (Berlin: de Gruyter,	
	1985), pp. 94-103	90

9.	Kevin Dwyer, Arab Voices. The Human Rights Debate in the Middle East (London: Routledge, 1991), pp. 63-69	. 96
10.	Mansour Farhang, Fundamentalism and Civil Rights in Contemporary Middle Eastern Politics, in Lerroy S. Rouney, ed., Human Rights and the World Religions (Notre Dame: University of Notre Dame Press, 1988), pp. 64-68	101
11.	Heiner Bielefeldt, Islamic Fundamentalism and Human Rights (unpublished paper)	104
	V. Islamic Human Rights Conceptions	
12.	Abul A'la Mawdudi, Human Rights in Islam (Leicester: The Islamic Foundation, 1976), pp. 13-37	113
13.	Human Rights in Islam. Report of a seminar held in Kuwait, December 1980 (published by the International Commission of Jurists, 1982), pp. 7-21	129
14.	Ahmad Farrag, Human Rights and Liberties in Islam, in Jan Berting e.a., eds., Human Rights in a Pluralist World (Roosevelt Study Center, 1990), pp. 133-43	140
15.	The Cairo Declaration on Human Rights in Islam (adopted by the Islamic Conference, August 1990), doc. in Conscience and Liberty International Journal of Religious Freedom, Spring 1991, pp. 90-95	148
16.	Jack Donelly, Universal Human Rights in Theory and Practice (Ithaca: Cornell University Press, 1989), pp. 49-52	152
17.	Donna E. Arzt, The Application of International Human Rights in Islamic States, in Human Rights Quarterly 12 (1990), pp. 214-221 (extract)	155
18.	Ann E. Mayer, Islam and Human Rights. Tradition and Politics (London: Pinter Publishers, 1991), pp. 189-197 (extract)	160
19.	Riffat Hassan, On Human Rights and the Qur'anic Perspective, in Arlene Swidler, ed., Human Rights in Religious Traditions (New York: The Pilgrim Press, 1982), pp. 51-65	164

# VI. Islamic Law - Sources and Schools

20.	Patrick Bannerman, Islam in Perspective. A Guide to Islamic Society, Politics and Law (New York: Routledge, 1988), pp. 31-53	178
21.	Fazlur Rahman, Islam (cf. no. 4), pp. 68-84 (chapter on Islamic law)	193
	VII. Islamic Law Reforms	
22.	James Norman Anderson, Law Reform in the Muslim World (London: Athlone, 1976), pp. 42-85	205
23.	Subhi Mahmassani, Adaption of Islamic Jurisprudence to Modern Social Needs, in J.J. Donohue and J.L. Esposito, eds., Islam in Transition.  Muslim Perspectives (Oxford: Oxford University Press, (1982), pp. 181-187	234
24.	Asaf A.A. Fyzee, The Reinterpretation of Islam, in Donohue and Esposito, eds., op cit. (cf. no. 23), pp. 188-93	239
25.	Abdullahi Ahmed An-Na'im, Towards an Islamic Reformation: Civil Liberties, Human Rights and International Law (Syracuse: Suracuse University Press, 1990), pp. 52-68	244
	VIII. Women's Rights	
26.	Extracts from Islamic Constitutions	256
27.	Wiebke Walther, Women in Islam from medieval to modern times (Princeton: Princeton University Press, 1993), pp. 47-60; 64-66	258
28.	Joseph Schacht, An Introduction to Islamic Law (Oxford: Clarendon Press, 1964), pp. 161-174	270
29.	Ann E. Mayer, op. cit. (cf. no. 18), pp. 109-114	279
30.	Abdullahi Ahmed An-Na'im, Human Rights in the Muslim World (cf. no. 7), pp. 36-46 (extracts)	283

31.	Fatima Mernissi, Beyond the Veil. Male-Female Dynamics in Modern Muslim Society. Revised Edition (Indiana: Indiana University Press, 1987), pp. XII-XIV; XXIV-XXIX	291
32.	Alison T. Slack, Female Circumcision: A Critical Appraisal, in Human Rights Quarterly 10 (1988), pp. 440-461 (extracts)	296
	IX. Religious Minorities/Apostasy	
	121. Rengious willion teles/2xpostasy	
33.	Extracts from Islamic Constitutions	316
34.	Ann E. Mayer, op. cit. (cf. no. 18), pp. 143-50; 155-60; 163-70; 18-27	322
35.	Abdullahi Ahmed An-Na'im, Religious Freedom in Egypt: Under the Shadow of the Islamic Dimma System, in Leonard Swidler, ed., Religious Liberty and Human Rights in Nations and Religions (Philadelphia: Ecumenical Press, 1986), pp. 43-56 (extracts)	341
36.	Mohamed Talbi, Religious Liberty: A Muslim Perspective, in: Conscience and Liberty, Spring 1991, pp. 23-32	354
37.	Muhammad Makki Naciri, Juridical Aspects of Religious Liberty in Marocco, in Conscience and Liberty, Spring 1991, pp. 73-75	363
38.	Malise Ruthven, A Satanic Affair. Salman Rushdie and the Rage of Islam (London: Chatto and Winders, 1990), pp. 107-17	366
	X. Penal Law	
39.	Joseph Schacht, op. cit. (cf. no. 28), pp. 175-87	374
40.	Aly Aly Mansour, Hudud Crimes, in Cherif Bassiouni, ed., The Islamic Criminal Justice System (New York: Oceana Publication Inc., 1982), pp. 195-201	383
41.	M. Cherif Bassiouni, Quesas Crimes, in Bassiouni, ed., op. cit. (cf. no. 40), pp. 203-209	389

42.	Ghaouti Benmelha, Ta'azir Crimes, in Bassiouni, ed., op. cit. (cf. no. 40), pp. 211-225	394
43.	Akolda M. Tier, Islamization of the Sudan Laws and Constitutions: Its Allure and its Impracticability, in Verfassung und Recht in Ubersee 25 (1992), pp. 206-213 (extract)	406
44.	Evan Gottesman, The Reemergence of Qisas and Diyat in Pakistan, in Columbia Human Rights Law Review Vol. 23 (1991-1992), pp. 433-61	411
45.	Khalid Duran, Religious Liberty and Human Rights in the Sudan, in L. Swidler, ed., op. cit. (cf. no. 35), pp. 67-8; 74-6	433
	XI. Islam and Democracy	
46.	Extracts form Islamic Constitutions	436
47.	Bannerman, op. cit. (cf. no. 20), pp. 60-82	443
48.	Mawdudi, op. cit. (cf. 12), pp. 7-12	459
49.	Hassan al-Turabi, The Islamic State, in J.L. Esposito, ed., Voices of Resurgent Islam (Oxford: Oxford University Press, 1983), pp. 241-51	463
50.	Ruhollah Khomeini, Islamic Government (1970), in Islam and Revolution. Writings and Declarations of Imam Khomeini, trans. by Hamid Algar (Berkeley: Mizan Press, 1981), pp. 40-2; 55-7; 62-3	471
51.	Mohammed Iqbal, The Reconstruction of Religious Thought in Islam, published by Javid Iqbal (Lahore: Sh. M. Ashraf, reprinted 1962), pp. 157-8	476
52.	Ali Abd al-Raziq, The Caliphate and the Bases of Power, in Donohue and Esposito, ed., op. cit. (cf. no. 23), pp. 29-37	478

# XII. Muslim Minorities in the West

53.	Bernard Lewis, Islam and the West (Oxford: Oxford University Press 1993), pp. 43-57	484
54.	Mohammed S. Raza, Islam in Britain. Past, Present, and the Future (Leicester: Volcano Press Ltd., 1991), pp. 36-55	496
55.	Ruthven, op. cit. (cf. no. 38), pp. 68-80	509
56.	Munir D. Ahmed, Muslim Women in an Alien Society: A Case Study of Germany, in Journal Institute of Muslim Minority Affairs Vol. XIII (1992), pp. 71-79	518
57.	Syed Mumtaz Ali and Enab Whitehouse, The Reconstruction of the Constitution and the Case for Muslim Personal Law in Canada, in Journal Institute of Muslim Minority Affairs Vol. XIII	
	(1992), pp. 164-172 (extracts)	524